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October 25, 2013

BY ECF and HAND DELIVERY

Hon. William H. Pauley III
United States District Judge
Daniel P. Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: *In re Crude Oil Commodity Futures Litigation*, Master File
No. 11 Civ. 3600 (WHP)**

Dear Judge Pauley:

Pursuant to Your Honor's Individual Practices and the April 30, 2012 Stipulated Protective Order (the "Protective Order") in this case, Defendants respectfully request leave as follows:

Defendants' Memorandum in Opposition to Plaintiffs' Motion for Class Certification

- (a) To submit the enclosed version of their Memorandum in Opposition to Plaintiffs' Motion for Class Certification with (i) accompanying Declaration of Timothy J. Carey and exhibits thereto; and (ii) accompanying Declaration of Ramsey Shehadeh, Ph.D ("Defendants' Opposition Papers") for *in camera* review until the parties have complied with the instructions contained in your October 25, 2013, Order regarding modifying the protective orders.
- (b) To submit the above version under seal once modified protective orders are in place. Today Defendants will serve on Plaintiffs an under seal version of the Opposition Papers with specific information produced by third parties redacted. After modified protective orders are in place Defendants will provide Plaintiffs with an unredacted under seal version.
- (c) To file in the public record the enclosed proposed public version.

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Memorandum in Support of Defendants' Motion to Strike the Declaration of Joseph R. Mason

- (a) to file under seal the enclosed under seal version of the Declaration of Timothy J. Carey and accompanying Exhibit A; and
- (b) to file in the public record the enclosed redacted version of the Declaration of Timothy J. Carey and accompanying Exhibit A.

With respect to all of the above documents, the information proposed to be filed under seal has been designated Highly Confidential by third parties (via the U.S. Commodity Futures Trading Commission), Plaintiffs, or Defendants, pursuant to the Protective Order in this case or the June 25, 2012, Stipulated Protective Order entered by Your Honor in *CFTC v. Parnon Energy Inc., et al.*, No. 11-Civ-3543.

Defendants will promptly address with Plaintiffs and the CFTC the instructions contained in your Order issued earlier today in order to simplify the filing of these documents. Defendants believe the Court's intention is for them to maintain the confidentiality of the third party information until modified protective orders are in place.

Respectfully submitted,



Elizabeth M. Bradshaw

cc: Counsel of Record (by ECF)